

19-1031-LAM

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID E. THOMPSON,

Plaintiff,

vs.

COUNTY OF KENDALL, ANNE VICKERY,
JOHN SHAW, PAM PARR, SUZANNE
PETRELLA, JEFF WEHRLI, JESSIE
HAFENRICHTER, ROBERT DAVIDSON, JR.,
NANCY MARTIN, JOHN PURCELL and
ELIZABETH FLOWERS, as Members of the
Kendall County Board,

No. 10cv3139

Defendants.

NOTICE OF REMOVAL

The Defendant, COUNTY OF KENDALL, by and through its attorneys, MANCINI, LONG & LATREILLE, LTD., hereby provides notice that this cause has been removed to the United States District Court for the Northern District of Illinois, Eastern Division, from the Circuit Court of Kendall County, Illinois, pursuant to 28 U.S.C. §1331, §1441, and §1446. This removal is based upon original jurisdiction under 28 U.S.C. §1331.

As more fully set forth herein, Removal on the basis of original jurisdiction of the Northern District of Illinois, Eastern Division, is proper because the Plaintiff has filed an amended Complaint in this cause of action seeking relief pursuant to the Fifth Amendment of the Constitution of the United States.

In support of the Removal of this action, this Defendant states as follows:

Nature of the Action

1. The Plaintiff has filed an Amended Complaint in the pending State Action arising out of the defendants' non-reappointment of the plaintiff as Kendall County Supervisor of Tax Assessments for a four-year term, which would have commenced June 1, 2009 and run through May 31, 2013. A copy of the First Amended Complaint at Law filed against the Defendants, COUNTY OF KENDALL, ANNE VICKERY, JOHN SHAW, PAM PARR, SUZANNE PETRELLA, JEFF WEHRLI, JESSIE HAFENRICHTER, ROBERT DAVIDSON, JR., NANCY MARTIN, JOHN PURCELL and ELIZABETH FLOWERS, as Members of the Kendall County Board, on April 30, 2010, in the Circuit Court of Kendall County, Illinois, is attached hereto as Exhibit A. The First Amended Complaint seeks declaratory judgment and money damages against the Defendants as follows:

- (a) Count I as to all Defendants- Declaratory Judgment pursuant to 735 ILCS 525/2-701;
- (b) Count II as to all Defendants- Violation of the Fifth Amendment to the Constitution of the United States and Equal Protection Under Article II of the Constitution of the State of Illinois;

2. COUNTY OF KENDALL was first served with this Amended Pleading, first raising a Federal, Constitutional Question, by Notice of the First Amended Complaint attached hereto as Exhibit A, on April 30, 2010. Said Amended Complaint was filed pursuant to Court Order attached hereto as Exhibit B.

3. The Northern District of Illinois, Eastern Division, has original jurisdiction over the plaintiff's claims pursuant to 28 U.S.C. §1331 which provides that the District Court shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States.

4. Pursuant to 28 U.S.C. §1441(c), " [w]henever a separate and independent claim or cause of action within the jurisdiction conferred by section 1331 of this title is joined with one or more otherwise non-removable claims or causes of action, the entire case may be removed and the district court may determine all issues therein, or, in its discretion, may remand all matter in which State law predominates."

5. This Defendant, through the State's Attorney of Kendall County, has conferred with all Co-Defendants in this matter, ANNE VICKERY, JOHN SHAW, PAM PARR, SUZANNE PETRELLA, JEFF WEHRLI, JESSIE HAFENRICHTER, ROBERT DAVIDSON, JR., NANCY MARTIN, JOHN PURCELL and ELIZABETH FLOWERS, and has ascertained that they agree and join in this Removal notice.

6. Written notification of the filing of this Notice of Removal together with a copy thereof has been provided to the Plaintiff and all Defendants of record and will be filed with the Clerk of the Circuit Court of Kendall County, Illinois, pursuant to 28 U.S.C. §1446(d).

WHEREFORE, for the foregoing reasons, the Defendant, COUNTY OF KENDALL, with the concurrence of Co-Defendants, ANNE VICKERY, JOHN SHAW, PAM PARR, SUZANNE PETRELLA, JEFF WEHRLI, JESSIE HAFENRICHTER, ROBERT DAVIDSON, JR., NANCY MARTIN, JOHN PURCELL and ELIZABETH FLOWERS, hereby provides notice that this cause has been removed to the United States District Court, Northern District of Illinois, from the Circuit Court of Kendall County, Illinois.

Dated May 20, 2010

Respectfully Submitted,

COUNTY OF KENDALL

BY: /s/ Lorenzo A. Mancini
Lorenzo A. Mancini

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